

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Qwest Communications Company, LLC,)	
)	
Complainant,)	File No.: EB-10-MD-004
)	
v.)	
)	
Sancom, Inc.,)	
)	
Defendant.)	

ORDER OF DISMISSAL

Adopted: June 7, 2013

Released: June 7, 2013

By the Deputy Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On January 18, 2011, Qwest Communications Company, LLC (Qwest) filed with this Commission a formal complaint against Sancom, Inc. (Sancom) under section 208 of the Communications Act of 1934, as amended (the Act), 47 U.S.C. § 208.¹ Qwest's Complaint effectuated a primary jurisdiction referral from the United States District Court for the Southern District of South Dakota (Court) in connection with litigation pending before the Court.² In short, the Complaint alleged that Sancom violated sections 203(c) and 201(b) of the Act³ by attempting to obtain payments from Qwest for originating and terminating switched access on calls that did not qualify as switched access under Sancom's interstate switched access tariff.⁴

2. On March 5, 2013, the Enforcement Bureau granted the Complaint, finding that Sancom's interstate switched access charges were unlawful with regard to the traffic at issue because Sancom did not have "end users" who were billed or who paid for these services, as required by its tariff.⁵ On April 4, 2013, Sancom filed a petition for reconsideration⁶ of the Order pursuant to section 405 of the

¹ Formal Complaint of Qwest Communications Company, LLC, File No. EB-10-MD-004 (filed Jan. 18, 2011) (Complaint).

² *Sancom, Inc. v. Qwest Communications Corp.*, No. Civ. 07-4147-KES, 2010 WL 960005 (D.S.D. Mar. 12, 2010).

³ 47 U.S.C. §§ 203(c), 201(b).

⁴ Complaint at 53-54.

⁵ *Qwest Communications Company, LLC v. Sancom, Inc.*, Memorandum Opinion and Order, 28 FCC Rcd 1982 (Enf. Bur. 2013) (Order).

⁶ Petition for Reconsideration, File No. EB-10-MD-004 (filed Apr. 4, 2013) (Petition).

Act⁷ and section 1.106 of the Commission's rules.⁸ On May 31, 2013, the parties filed a Joint Motion to Dismiss, stating that the parties have resolved their dispute and therefore request that all pending claims be dismissed with prejudice.⁹

3. We are satisfied that granting the Joint Motion to Dismiss will serve the public interest by encouraging parties to work privately to narrow and resolve disputed issues, which may limit or eliminate the need for litigation and the further expenditure of resources by the parties and this Commission.

4. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), 208, and 405 of the Act, 47 U.S.C. §§ 154(i), 154(j), 208, 405 and sections 1.106 and 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.720-1.736, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the Joint Motion to Dismiss IS GRANTED.

5. IT IS FURTHER ORDERED, pursuant to sections 4(i), 4(j), 208, and 405 of the Act, 47 U.S.C. §§ 154(i), 154(j), 208, 405 and sections 1.106 and 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.720-1.736, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the Complaint and the Petition are DISMISSED WITH PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Lisa B. Griffin
Deputy Chief, Market Disputes Resolution Division
Enforcement Bureau

⁷ 47 U.S.C. § 405.

⁸ 47 C.F.R. § 1.106.

⁹ Joint Motion to Dismiss, File No. EB-10-MD-004, at 1 (filed May 31, 2013) (Joint Motion to Dismiss).